

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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COURTNEY GREEN,

Petitioner,

-against-

SUSAN CONNELL, Superintendent of the Oneida
Correctional Facility,

Respondent.
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AMON, United States District Judge:

Petitioner Courtney Green filed for writ of habeas corpus on December 13, 2005. The petition was referred to Magistrate Judge Mann, who issued a Report and Recommendation (“R&R”) recommending that the petition be denied and the case be dismissed.

Green filed objections to the R&R complaining principally that the Magistrate Judge Mann did not consider the “totality of the circumstances,” as required by the constitutional standard, in coming to her recommendation. See, e.g., Foster v. California, 394 U.S. 440 (1969).

This Court concludes that Green’s objections have no merit and adopts the well-reasoned R&R as the opinion of the Court. A certificate of appealability will not issue because petitioner has not made a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253 (c)(2). The Clerk of the Court is directed to close the case.

SO ORDERED.

Dated: Brooklyn, New York
November 21, 2006

Carol Bagley Amon
United States District Judge